

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ROLAND MA,

Plaintiff,

v.

DEPARTMENT OF HOUSING AND URBAN  
DEVELOPMENT, *et al.*,

Defendants.

CASE NO. MC21-0015-JCC

ORDER

This matter comes before the Court on Plaintiff's motion to proceed *in forma pauperis* on appeal (Dkt. No. 14). Having thoroughly considered the parties' briefing, the Court DENIES the motion for the reasons explained herein.

**I. BACKGROUND**

In February 2021, this Court entered a vexatious litigant order against Plaintiff after finding that Plaintiff has abused the litigation process to "harass and antagonize." (Dkt. No. 1 at 2) (citing *Ma v. Dep't of Educ.*, Case No. C19-1112-JCC, Dkt. Nos. 56, 67, 72, 73 (W.D. Wash. 2021)). The order requires Plaintiff to include in any proposed complaint "(a) whether each claim was raised in a prior action (with appropriate citation) and (b) why each claim is not barred by collateral estoppel, *res judicata*, and/or an applicable immunity." (*Id.* at 3.)

Plaintiff moved for leave to file a proposed complaint in August 2022 (Dkt. No. 11.) The

1 Court denied it for failure to comply with the vexatious litigant order. (Dkt. No. 11.) Plaintiff  
2 now moves for leave to appeal the dismissal *in forma pauperis* (Dkt. No. 14.)

## 3 **II. DISCUSSION**

4 “An appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it  
5 is not taken in good faith.” 28 U.S.C. § 1915(a)(3). Although the statute refers to prisoner  
6 appeals, it applies equally to civil litigants. *See Hooker v. Am. Airlines*, 302 F.3d 1091, 1092 (9th  
7 Cir. 2002) (applying section 1915(a) to a civil suit). A “good faith” appeal must seek review of at  
8 least one “non-frivolous” issue or claim.” *Id.* An appeal is “frivolous” where none of the legal  
9 points are arguable on their merits. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989) (quoting  
10 *Anders v. California*, 386 U.S. 738 (1967)). Here, Plaintiff’s complaint was dismissed for failure  
11 to comply with the Court’s vexatious litigant order. Plaintiff has failed to show the appeal is  
12 made in good faith because there are no “non-frivolous” issues or claims presented for review.

## 13 **III. CONCLUSION**

14 Accordingly, Plaintiff’s motion for motion to proceed *in forma pauperis* on appeal (Dkt.  
15 No. 14) is DENIED. Plaintiff may still pursue the appeal in the Ninth Circuit, but must pay the  
16 appropriate filing fee to do so.

17 DATED this 21st day of October 2022.

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John C. Coughenour  
UNITED STATES DISTRICT JUDGE